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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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530	7590	06/12/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 5-16 in the reply filed on 5/18/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-4 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/18/06.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "said second end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said second end" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann (USPN 3582140).

Kaufmann teaches a brush comprising a shaft (5) with a first end and a second end. The second end comprises bristles (4) extending outwardly (claim 5). The shaft is comprised of two strands of intertwined steel (figure 4) (claim 9). The brush has a loop at the second end; the loop has bristles extending outwardly in a direction away from the first end of the shaft (figure 2) (claim 11). There is further a cloth material disposed on the end of the bristles (col. 2, lines 16-21) (claim 12). The brush further comprises a protection element (2) on the second end of the shaft (claim 13). Kaufmann teaches all the essential elements of the claimed invention however fails to teach the exact dimensions of the shaft and bristles (claims 5-7 and 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaufmann so that the shaft is 16-18 inches long and has a diameter of 3/8 of an inch and so that the bristles are in the range of 4-6 inches long since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device. MPEP 2144.

Art Unit: 1744

Claims 5-7, 9-10, 13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glas (USPN 3165362).

Glas teaches a brush comprising a shaft (1) with a first end and a second end. The second end comprises bristles (13) extending outwardly (claim 5). The shaft is comprised of two strands of intertwined steel (figure 4) (claim 9). The brush further comprises a protection element (16) on the second end of the shaft (claim 13). There is a wedge (16, 20) for forcing the bristles in a direction away from the first end (claim 15). There is a top element (16) fastened to the second end of the shaft. There is a second plurality of bristles (21, 22) angled outwardly and away from the first end of the brush (claim 16). Glas teaches all the essential elements of the claimed invention however fails to teach the exact dimensions of the shaft and bristles (claims 5-7 and 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Glas so that the shaft is 16-18 inches long and has a diameter of 3/8 of an inch and so that the bristles are in the range of 4-6 inches long since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device. MPEP 2144.

Claims 5-7, 9-10, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (USPN 2633592).

Meyer teaches a brush comprising a shaft (14) with a first end and a second end. The second end comprises bristles (12) extending outwardly (claim 5). The shaft is comprised of two strands of intertwined steel (figure 2) (claim 9). The brush further comprises a protection

Art Unit: 1744

element (16) on the second end of the shaft (claim 13). There is a locking hub disposed on the first end of the shaft (24) (claim 14). There is a wedge (16) for forcing the bristles in a direction away from the first end (claim 15). There is a top element (16) fastened to the second end of the shaft. There is a second plurality of bristles (18) angled outwardly and away from the first end of the brush (claim 16). Meyer teaches all the essential elements of the claimed invention however fails to teach the exact dimensions of the shaft and bristles (claims 5-7 and 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer so that the shaft is 16-18 inches long and has a diameter of 3/8 of an inch and so that the bristles are in the range of 4-6 inches long since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device. MPEP 2144.

Claims 5-11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera (USPN 5809601).

Rivera teaches a brush comprising a shaft (not labeled but shown in figure 2) with a first end and a second end. The second end comprises bristles (34) extending outwardly (claim 5). The bristles are made from nylon (col. 3, lines 18-20) (claim 8). The shaft is comprised of two strands of intertwined steel (figure 2) (claim 9). There is a locking hub disposed on the first end of the shaft (40, 44, 36) (claim 14). Rivera teaches all the essential elements of the claimed invention however fails to teach the exact dimensions of the shaft and bristles (claims 5-7 and 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rivera so that the shaft is 16-18 inches long and has a diameter of 3/8 of an inch

Art Unit: 1744

and so that the bristles are in the range of 4-6 inches long since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device. MPEP 2144.

Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al. (USPN 5599225).

Warner teaches a brush comprising a shaft (35) with a first end and a second end. The second end comprises bristles (23, 24) extending outwardly (claim 5). The bristles are made from nylon (col. 4, lines 30-33) (claim 8). The shaft is comprised of two strands of intertwined steel (27, 28) (claim 9). Warner teaches all the essential elements of the claimed invention however fails to teach the exact dimensions of the shaft and bristles (claims 5-7 and 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Warner so that the shaft is 16-18 inches long and has a diameter of 3/8 of an inch and so that the bristles are in the range of 4-6 inches long since the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device. A device having the claimed relative dimensions would not perform differently than the prior art device and therefore, the claimed device is not patentably distinct from the prior art device. MPEP 2144.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.


Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SLb
6/1/06



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